

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHRISTOPHER LEE GAITHER, PRO SE, §
TDCJ-CID No. 1821218, §
Previous TDCJ-CID No. 805423, §
Previous TDCJ-CID No. 887150, §
USM No. 29999-280, §
§
Plaintiff, §
§
v. § 2:15-CV-0104
§
Asst. Warden GREGORY S. DAVID, §
Cpt. RAY D. CRUZ, §
Cpt. GENE W. SMITH, §
CO V DEANA R. DAVIS, and §
Sgt. ANDREW M. GRATZ, §
§
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION OF THE MAGISTRATE
JUDGE AND DENYING INJUNCTIVE RELIEF**

Plaintiff, Christopher Lee Gaither, acting *pro se*, filed a Motion for a Temporary Restraining Order in the above-referenced and numbered cause.

On February 28, 2017, the Magistrate Judge issued a Report and Recommendation recommending plaintiff's Motion for a Temporary Restraining Order be DENIED.

Plaintiff filed no objections to the Report and Recommendation. On August 3, 2017, the Fifth Circuit dismissed plaintiff's interlocutory appeal.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation.

The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge. The plaintiff's motion for a temporary restraining order is without merit and is DENIED.

Plaintiff also filed a Motion for the Court to Intervene and Issue an Order of Meaningful Assistance. Plaintiff's interlocutory appeal was dismissed for lack of jurisdiction and the plaintiff's motion is now MOOT. Therefore, the Motion for the Court to Intervene is DENIED.

This terminates docket entry nos. 40, 42.

It is SO ORDERED.

Signed this the 7th day of September, 2017.

s/ Mary Lou Robinson
MARY LOU ROBINSON
United States District Judge